

Mail Stop Interference  
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Filed: February 17, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Nextreme, LLC,  
Junior Party  
(Application 11/498,118 ;  
Named Inventors : Scott A.W. Muirhead and Ismat Ali Abu-Isa),

v.

Enerdel, Inc.,  
Senior Party  
(Patent 7,378,463 ;  
Named Inventor : Ismat Ali Abu-Isa).

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Patent Interference No. 105,770 (RES)  
(Technology Center 1700)

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**DECLARATION - 37 CFR § 41.203(b)**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified application and patent. Details of the application, patent and involved claims appear in Parts E and F of this DECLARATION.

### **Part B. Judge managing the interference**

Administrative Patent Judge Richard E. Schafer has been designated to manage this interference. 37 CFR § 41.104(a).

### **Part C. Standing order**

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

### **Part D. Initial conference call**

A telephone conference call to discuss the interference is set for **4:00 p.m. on April 14, 2011** (the Board will initiate the call).

An order setting a schedule for the “motions” phase of this interference accompanies this declaration. Counsel are encouraged to discuss any proposed changes to the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

### **Part E. Identification and order of the parties**

#### Junior Party

Named inventors:	Scott A.W. Muirhead, Ismat Ali Abu-Isa
Involved Application/Patent:	11/498,118 filed August 1, 2006
Title:	Halogen-Free Fire Retardant System for Low Heat Release Polymers
Assignee of Record:	Nextreme, L.L.C. 2282 University Drive, Suite 1 Lemont Furnace, PA 15456

### Senior Party

Named Inventor: Ismat Ali Abu-Isa  
Involved Patent: 7,378,463 issued from  
Application 10/771,916 filed  
February 4, 2004  
Title: Halogen-Free Fire Retardant System for  
Low Heat Release Polymers  
Assignee of Record: Enerdel, Inc.  
500 Cypress Creek Road, Suite 100  
Fort Lauderdale, Florida 33309

Enerdel has been designated the senior party because the inventorship of the patent is presumed to be correct.

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

### **Part F. Count and claims of the parties**

The only apparent issue at this time appears to be proper inventorship under 35 U.S.C. § 102(f). Thus, it is unnecessary to identify a count, claims corresponding to the count or to accord benefit for a count.

The claims of the parties:

Nextreme: Claims 1-19

Enerdel: Claims 1-18

### **Part G. Heading to be used on papers**

The following heading must be used on all papers filed in this interference, see SO ¶ 106.1.1:

*Paper: Leave blank*

*Filed on behalf of: Party @.*

*By: Counsel Name(s) @*

*Address @*

*(@@@) @@@- @@@@ (telephone)*

*(@@@) @@@- @@@@ (facsimile)*

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*Title of Paper*

**Part H. Order form for requesting file copies**

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Richard E. Schafer/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Copy U.S. Patent 7,378,463  
Copy of claims of Application 11/498,118

cc (via overnight delivery):

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